

Appln. No. 09/786,867
Amdt. dated July 3, 2006
Reply to Office action of April 3, 2006

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig.

5. This sheet replaces the corrected Fig. 5 that was filed on
October 20, 2005.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

The Office Action has been carefully reviewed. No claim is allowed. Claims 74-82 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and withdrawal of the rejection are therefore respectfully solicited.

The examiner indicates that the replacement drawing (Fig. 5) filed with the amendment of October 20, 2005, is not acceptable because the three letter codons CAA and TAT are not correct. The examiner further indicates that Gln138 as shown on Exhibit D is wrong.

The three letter codons CAA and TAT noted in Exhibit B are correct in Fig. 5 but the amino acid residues that they code for are incorrect in Fig. 5. Codons CAA and TAT should correctly code for Gln138 and Tyr132, respectively. The correction of amino acid residues 132 and 138 in Fig. 5 from Thr132 and Glu138 to Tyr132 and Gln138 is shown in the corrected Fig. 5 attached hereto for the examiner's review and approval.

With regard to Exhibit D, the residue at position 138 should be Gln. It is not understood why the examiner is indicating in Exhibit D, page 1 of 2, that Gln at residue position 138, encoded by the codon CAA, is wrong.

The examiner states that the amendment filed January 31, 2005, is objected to because it introduces new matter into

the disclosure. The examiner indicates that SEQ ID NO:5 filed in that amendment and the sequence disclosed in PCT/IL99/00485 are not identical and refers to the sequence alignment provided in Exhibit A. This objection is respectfully traversed.

The sequence alignment shown in Exhibit A, page 2 of 2, left column, shows only two differences at residues 132 and 138. While the errors in Fig. 5 is being corrected by the instant amendment, the substitute sequence listing attached to the amendment filed October 20, 2005, correctly identifies residues 132 and 138 as Tyr and Gln, respectively. This is not new matter because the codons for residues 132 and 138 are presented in Fig. 5 and SEQ ID NO:1 as being TAT and CAA, respectively. It is clearly understood by those in the art that codons TAT and CAA code for Tyr and Gln, and not Thr and Glu. Accordingly, there is no matter introduced into the disclosure.

Reconsideration and withdrawal of the objection are therefore respectfully requested.

Claims 70, 77, 79 and 80 have been objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. This objection is obviated by the correction to Fig. 5 and by the sequence listing attached to the amendment filed October 20, 2005. Nucleotides 459-602 of SEQ ID NO:1 does indeed encode

Appln. No. 09/786,867
Amdt. dated July 3, 2006
Reply to Office action of April 3, 2006

residues 118-165 of SEQ ID NO:5 of the sequence listing filed October 5, 2005.

Reconsideration and withdrawal of the objection are therefore respectfully requested.

Claims 67-82 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The examiner clarified that claims 74-82 are being rejected for new matter. The rejection as it relates to claims 67-73 is obviated by the cancellation of claims 67-73 without prejudice. The rejection as it relates to claims 74-82 is obviated by the showing above that SEQ ID NO:5 merely correctly identifies the three amino acid residues 65, 132 and 138 (discrepancies in Exhibit B) as Glu, Tyr and Gln, respectively, which are encoded by the codons GAA, TAT and CAA of SEQ ID NO:1 (Fig. 5). Accordingly, the correction of residues 65, 132 and 138 to Glu, Tyr and Gln, respectively, in SEQ ID NO:5 is fully supported by the application as originally filed and cannot be considered to be new matter.

Reconsideration and withdrawal of this rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their

Appln. No. 09/786,867
Amdt. dated July 3, 2006
Reply to Office action of April 3, 2006

allowance. Favorable consideration and early allowance are
earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /ACY/_____
Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\C\cohn\moroz3\pto\2006-07-03amendment.doc

7/15

AATGCACACTGCATTGCATTGAGCCCGCCTCTCCTTAGTCGCCGCC

TGA AGTTTATATTCTATCCTACCAGGCTTGGGAATAATCTCCCATATTGTAACCTAC

TACTCCGGAATCGCTGTCGCCTAACCGCTAACATTACTGCAGGCCACCTACTCATGCAC -

CTAATTGGAAAGCGCCACCCTAGCAATATCAACCATTAACTTCCCTCTACACTTATCATC

TTTCAATTTCTAATTCTACTGACTATCCTAGAAATCGCTGTGGCTTAATCCAAGCCTAG

GTTTCACACTTATGCTGGCGGCGG Fig. 5
ETAGTAAGCCTCTACGTGCACGACAA CAGATAAAAAA

Fig. 5